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04 2607500

DEPARTMENT OF TOXIC SUBSTANCES CONTROL  
SOUTHERN CALIFORNIA SITE INVESTIGATION DIVISION

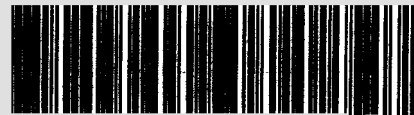
OCT 29 2004

RECEIVED

RECORDED/FILED IN OFFICIAL RECORDS  
RECORDER'S OFFICE  
LOS ANGELES COUNTY  
CALIFORNIA

3:21 PM OCT 08 2004

TITLE(S) : \_\_\_\_\_



LEAD SHEET

FEE	FEE \$19	WW
	DAF \$2	
	C-20	5

D.T.T

CODE  
20

CODE  
19

CODE  
9 \_\_\_\_\_

Assessor's Identification Number (AIN)

To be completed by Examiner OR Title Company in black ink.

Number of AIN's Shown

THIS FORM NOT TO BE DUPLICATED

2

**RECORDING REQUESTED BY:**

Westway Development  
 Attention: Mark Webber  
 5115 Douglas Fir Road, Suite L  
 Calabasas, California 91302

**WHEN RECORDED, MAIL TO:**

Department of Toxic Substances Control  
 1011 North Grandview Avenue  
 Glendale, California 90201  
 Attention: Sayareh Amir, Chief  
 Southern California Cleanup  
 Operations Branch

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Space Above this Line Reserved for Recorder's Use

**REMOVAL AND MODIFICATION OF SPECIFIC RESTRICTIONS AND PROVISIONS  
 TO COVENANT TO RESTRICT USE OF PROPERTY**

(Health and Safety Code sections 25355.5 and 25234)

ENVIRONMENTAL RESTRICTION (Civil Code section 1471)

(Re: Westway Development Site, 10100 Jefferson Boulevard, Culver City, California,  
 Assessor's Parcel Numbers **4296-001-001, 4296-001-004, 4296-001-010**)

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This Removal and Modification of Specific Restrictions and Provisions to Covenant to Restrict Use of Property ("Release") for the Westway Development Site, Culver City, County of Los Angeles, California ("Property"), is made by and between Westway Development (the "Covenantor") and the California Department of Toxic Substances Control (the "Department") (collectively, the "Parties").

**RECITALS**

**WHEREAS**, the Covenantor and the Department entered into that certain Covenant to Restrict Use of Property Environmental Restriction for the Property recorded in the Official Records of Los Angeles County on, January 28, 2002 as document number 02-0210913 ("Covenant"); and

**WHEREAS**, the Covenantor applied to the Department to remove specific restrictions on land use and modify other specific provisions contained in the Covenant; and

**WHEREAS**, The Covenantor supplied evidence, Final Revised Technical Memorandum (July 30, 2004) prepared by Brown and Caldwell, which memorandum is available for review at the Department's Glendale office, to support a finding by the Department that the specific restrictions are no longer necessary to protect present or future public health or safety; and

**WHEREAS**, the Department finds, pursuant to Health and Safety Code section 25234, the evidence is sufficient to make a determination that contaminants on the Property no longer create a significant existing or potential hazard to present or future public health or safety.

**NOW, THEREFORE**, in reliance on the above Recitals and in consideration of the mutual agreements, covenants, and other obligations set forth herein, the Parties agree as follows:

1. The requirements of Section **3.04**, Incorporation into Deeds and Leases, and Section 3.05, Conveyance of Property, are removed from the Covenant.

2. Section 4.01, Requirements, is modified to read All buildings constructed on the property shall have a methane abatement system installed at the time of construction. The design and installation of the methane abatement system shall comply with the then current Los Angeles County Building Code requirements for Methane Gas. The cover page for the current requirements is attached for reference as Exhibit A.

3. The restrictions contained in Section **4.02**, Prohibited Uses, are removed from the covenant.

4. Section **4.03**, Soil Management, is removed from the Covenant.

5. Each of the undersigned representatives of the Department and the Covenantor warrants and represents that he or she is fully authorized to enter into the terms and conditions of this Release and to execute and legally bind such Party to this Release.

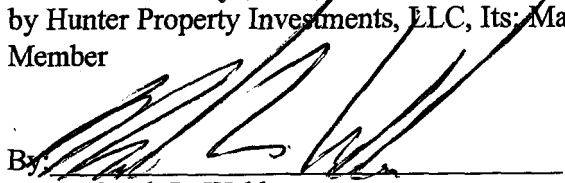
6. This Release is incorporated into the Covenant and all other terms and conditions of the Covenant are hereby reaffirmed.

**IN WITNESS HEREOF**, Covenantor hereby consents to Department's determination removing or modifying specific sections and/or restrictions contained in the Covenant, and the Parties hereby agree to the modifications of the Covenant resulting from the incorporation of this Release.

Covenantor:

10100 Culver City, LLC, dba Westway Development  
by Hunter Property Investments, LLC, Its: Managing  
Member


By:

  
Mark L. Webber  
Its: Managing Member

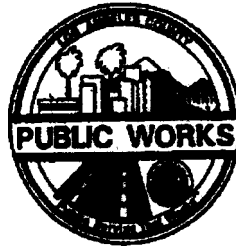
Department:

California Department of Toxic Substances Control

By:

 OCT-05-04  
Sayareh Amir, Chief  
Southern California Cleanup Operations Branch

**COUNTY OF LOS ANGELES**  
**2002 BUILDING CODE**



**Adopting by reference**  
**portions of the 2001 Edition**

***CALIFORNIA***  
***BUILDING***  
***CODE***  
**Volume 1**

**TITLE 26**  
**of the Los Angeles County Code**

**As amended by Ordinance No. 2002-0076**  
**Effective November 1, 2002**

***Official Compilation***

**Edited and Proofread by Building and Safety Division,**  
**Department of Public Works, County of Los Angeles**

## CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

Los Angeles

} ss.

On October 6, 2004 before me, Michelle A. Brandes  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")  
 personally appeared Mark L. Webber  
Name(s) of Signer(s)

☒ personally known to me  
☐ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Michelle A. Brandes  
Signature of Notary Public

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

*Removal & Modification of Specific Restrictions and*  
 Title or Type of Document: Provisions to Covenant to Restrict Use of Property

Document Date: Oct. 6, 2004 Number of Pages: 2

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer**

Signer's Name: \_\_\_\_\_

- ☐ Individual  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Attorney-in-Fact  
☐ Trustee  
☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

**RIGHT THUMBPRINT  
OF SIGNER**  
 Top of thumb here

04 2607500.

## CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

state of California

County of Los Angeles

} ss.

On Oct 5, 2004, before me, Caterina Solomon

Date

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Sayateh Amir

Name(s) of Signer(s)

☐ personally known to me☒ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Place Notary Seal Above

Signature of Notary Public

## OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

## Description of Attached Document

Title or Type of Document: Removal and Modification of Specific RESTRICTIONS AND PROVISIONS TO COVENANT TO USE of PROPERTY

Document Date: Oct 5, 2004Number of Pages: 2

Signer(s) Other Than Named Above: \_\_\_\_\_

## Capacity(ies) Claimed by Signer

Signer's Name: \_\_\_\_\_

☒ Individual☐ Corporate Officer — Title/s \_\_\_\_\_☐ partner — ☐ Limited ☐ General☐ Attorney in Fact☐ Trustee☐ Guardian or Conservator☐ other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER  
Top of thumb here